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DOCKET



Sam A. Schmidt, Esq.

December 10, 2024

Honorable Lewis A Kaplan
 United States Courthouse
 500 Pearl St.
 New York, NY 10007-1312

Re: **Ex Parte** Request for *United States v. Matthew Queen*,
 24 Cr. 291 (LAK)

Dear Honorable Judge Kaplan:

I have attached a proposed order requiring service of subpoenas by the United States Marshall Service for documents that are necessary and relevant for Matthew Queen's sentencing scheduled for February 26, 2025. The documents requested are notes of conversations and correspondence between Mr. Queen and the attorney representing him during the investigation relating to the allegations of sexual abuse, Brian Poe, Esq. that formed the basis of the offense of conviction. Also requested are the attorney notes of Mr. Queen's interviews with the government and notes or correspondence between the attorney and the government relating to Mr. Queen.

Mr. Poe passed away approximately three weeks after I was retained. The attorneys for the Seminary obtained the relevant documents from his office. As your Honor is aware, the Seminary raised attorney privilege as to some conversations and documents. However, during my conversations and correspondence with Jeffrey Ansley, Esq., the lead attorney for the Seminary, he agreed that notes and correspondence solely with Mr. Queen, notes of Mr. Queen's interviews with the government and Mr. Poe's notes or correspondence concerning Mr. Queen with the government were not subject to attorney client privilege. Nevertheless, for the past two months, Mr. Ansley has ignored my entreaties to provide the documents or even to accept subpoenas electronically.

I have received the initial presentence report and believe that the documents contain information that are in mitigation of Mr. Queens's offense as indicated in the report. I have attached the subpoenas for Your Honor review.

If Your Honor requires any further information or has any questions, please contact me at your convenience.

Sincerely yours,

/s/

Sam A. Schmidt
Attorney for Matthew Queen

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
UNITED STATES OF AMERICA,	:
	:
-v.-	:
MATTHEW QUEEN,	:
	:
Defendant.	:
-----X	

ORDER
24 Cr. 291 (LAK) :

WHEREAS, the defendant has prepared subpoenas to obtain documents relative to sentencing pursuant to Fed. R. Crim. P. 17(b), and

WHEREAS, Fed. R. Crim. P. 17(d) provides that the United States Marshal may serve such subpoenas, and

IT IS HEREBY ORDERED that the United States Marshal shall arrange for service of the within subpoenas no later than December 20, 2024 and that because of the ex parte nature of the application, shall not disclose this service to the government.

Dated: December ___, 2024

SO ORDERED:

Hon. Lewis A. Kaplan
United States District Judge

AO 89B (07/16) Subpoena to Produce Documents, Information, or Objects in a Criminal Case

UNITED STATES DISTRICT COURT

for the

Southern District of New York

United States of America)

v.)

MATTHEW QUEEN)

Case No. 24 Cr. 291 (LAK)

Defendant)SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR
OBJECTS IN A CRIMINAL CASETo: Southwestern Baptist Theological Seminary
David Dockery, President - 2001 W. Seminary Drive, Fort Worth, Texas 76115

(Name of person to whom this subpoena is directed)

YOU ARE COMMANDED to produce at the time, date, and place set forth below the following books, papers, documents, data, or other objects:

All documents, electronic or hard copies relating to representation of Matthew Queen by Brian Poe, Esq. that includes notes and emails of contact between Mr. Poe and Mr. Queen or DOJ, and notes of conv between Mr. Queen and DOJ.

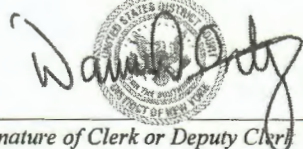
Place: To be provided to: Sam A. Schmidt, Esq.
29 Broadway Suite 1412
New York, N.Y. 10007 lawschmidt@aol.com

Date and Time: 01/06/2025 10:00 am

Certain provisions of Fed. R. Crim. P. 17 are attached, including Rule 17(c)(2), relating to your ability to file a motion to quash or modify the subpoena; Rule 17(d) and (e), which govern service of subpoenas; and Rule 17(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 11/27/2024

ACTING CLERK OF COURT


Signature of Clerk or Deputy ClerkThe name, address, e-mail, and telephone number of the attorney representing (name of party) Matthew Queen
, who requests this subpoena, are:Sam A. Schmidt, Esq. 29 Broadway Suite 1412 New York, N.Y. 10007 lawschmidt@aol.com 212 346-4666
917 687-8620**Notice to those who use this form to request a subpoena**

Before requesting and serving a subpoena pursuant to Fed. R. Crim. P. 17(c), the party seeking the subpoena is advised to consult the rules of practice of the court in which the criminal proceeding is pending to determine whether any local rules or orders establish requirements in connection with the issuance of such a subpoena. If no local rules or orders govern practice under Rule 17(c), counsel should ask the assigned judge whether the court regulates practice under Rule 17(c) to 1) require prior judicial approval for the issuance of the subpoena, either on notice or ex parte; 2) specify where the documents must be returned (e.g., to the court clerk, the chambers of the assigned judge, or counsel's office); and 3) require that counsel who receives produced documents provide them to opposing counsel absent a disclosure obligation under Fed. R. Crim. P. 16.

Please note that Rule 17(c) (attached) provides that a subpoena for the production of certain information about a victim may not be issued unless first approved by separate court order.

AO 89B (07/16) Subpoena to Produce Documents, Information, or Objects in a Criminal Case

UNITED STATES DISTRICT COURT

for the

Southern District of New York

United States of America)

v.)

MATTHEW QUEEN)

Case No. 24 Cr. 291 (LAK)

Defendant)SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR
OBJECTS IN A CRIMINAL CASETo: Southwestern Baptist Theological Seminary
C/O Jeffrey J. Ansley, Esq. VedderPrice 300 Crescent Court Suite 400 Dallas, Texas 75201

(Name of person to whom this subpoena is directed)

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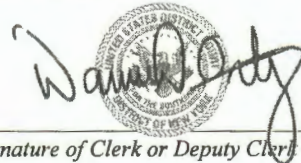
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ACTING CLERK OF COURT

Date: 11/27/2024



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